

Meeting No. 17
December 13, 2004
Hamburg Town Board Meeting
S-6100 South Park Avenue
Hamburg, N.Y. 14075

Supervisor Hoak calls the meeting to order at 7:00 p.m.

Roll Call:	Patrick H. Hoak	Supervisor
	D. Mark Cavalcoli	Councilman
	Kathleen C. Hochul	Councilwoman
	Joan A. Kesner	Councilwoman
	Thomas Quatroche, Jr.	Councilman
Also Present:	Catherine Rybczynski	Town Clerk
	Richard Boehm	Deputy Town Attorney
	Gerard Kapsiak	Town Engineer
	Joseph Coggins	Police Chief
	Robert Brown	Sr. Account Clerk
	Drew Reilly	Planning Consultant
	Tim Ellis	Traffic Safety Coordinator

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

I.

RESOLVED, that the Town Board approve the minutes from the following meetings:

November 22, 2004	Town Board Meeting
December 6, 2004	Work Session

Moved: Hochul	Seconded: Cavalcoli
Roll Call:	Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
	Noes: None
	Carried

II.

BE IT RESOLVED, that the Town of Hamburg enter into a contract with the County of Erie for participation in the STOP D.W.I. Program. The contract period is for January 1, 2004 through December 31, 2004.

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign the contract on behalf of the Town.

Moved: Hoak	Seconded: Quatroche
Roll Call:	Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
	None: None
	Carried

III.

RESOLVED, that the Town Board approve the hiring and termination of personnel for the Assessing Department as follows:

1. Mantino, Barbara	Part-time Clerk Typist	12/14/2004	Terminate
2. Mantino, Barbara	Seasonal Clerk Typist	12/15/2004	\$9.66

Moved: Kesner	Seconded: Hochul
Roll Call:	Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
	Noes: None
	Carried

IV.
RESOLVED, that the Town Board accept the resignation from the Youth Board of Sallyann Franz, Mary Ann Cornell and Gary J. Smith, Jr. effective as of 12/31/2004.

BE IT FURTHER RESOLVED, that current Youth Board members be appointed Youth Board Officers as follows:

CHAIRPERSON	Gary Dillsworth
CO-CHAIRPERSON	Allyson Nye

Moved: Kesner Seconded: Cavalcoli
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

V.
RESOLVED, that the Town Board approve the hiring of personnel for the Police Department as follows:

1. Mikac, Ryan	Seasonal Part Time	12/20/2004	\$8.03
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Moved: Hoak Seconded: Hochul
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

VI.
RESOLVED, that the Town Board approve the Travel Request for Gerald Gorman to travel to Saratoga Springs on October 3, 2004 to October 6, 2004 to attend the New York State Magistrate Conference. The estimated cost is \$500.00 and the money is available in Account A1110.492.

Moved: Hoak Seconded: Quatroche
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

VII.
WHEREAS, there is a need for a procedural manual and operational audit for the administrative functions of the Building and Grounds Department.

WHEREAS, a proposal has been received to provide for an audit and manual by Mr. Thomas Wrinn at a cost of \$50.00 per hour and a total project cost not to exceed \$6,000.00. Money is available in account A8540.440.

BE IT RESOLVED, that the Supervisor is authorized to sign a contract with Mr. Wrinn for the specified service.

Moved: Quatroche Seconded: Cavalcoli
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

VIII.

RESOLVED, that the Town Board approve the termination of personnel for the Town Clerk's Office as follows:

1. Early, Cecilia	Clerk - Part Time	12/29/2004	Terminate
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Moved: Hochul

Seconded: Kesner

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

IX.

RESOLVED, that the Town Board approve the hiring and termination of personnel for the Recreation Department as follows:

1. Berry, Beth	A7180(215)	12/10/2004	Terminate
2. Borowski, Caroline	A7180(215)	12/10/2004	Terminate
3. Cefaly, Paul	A7265(230) Reg. Dept.	11/29/2004	\$9.50 Reg. Rate Seas.
	A7180(215) Rec. Attendant		\$9.50 Temp. Seas.
4. Cefaly, Justin	A7265(230) Reg. Dept.	11/29/2004	\$7.00 P/T Reg. Rate
	A7180(215) Rec. Attendant		\$7.00 P/T Temp. Rate
5. DeVinney, Matthew	A7265(230) Reg. Dept.	11/29/2004	\$5.85 P/T Reg. Rate
	A7180(215)		\$5.85 P/T Temp. Rate
6. Ede, Eric	A7265(230)	11/29/2004	\$6.75 P/T Reg. Rate
	A7180(215)		\$6.75 P/T Temp. Rate
7. Zdrojewski, Thomas	A7265(230)	11/29/2004	\$9.00 P/T Reg. Rate
	A7180(215)		\$9.00 P/T Temp. Rate

Moved: Quatroche

Seconded: Hochul

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

X.

WHEREAS, per the recommendations of the Who Does What in Hamburg Committee, the Town Board is looking into the establishment of a Townwide Refuse Contract, under which the Town of Hamburg would receive bids and directly contract for solid waste collection and disposal services on a Townwide basis; and

WHEREAS, a proposal has been received from Neill & Strong, PLLC for providing legal services to assist the Town in this regard, as follows:

- Preparation of bid specifications and contract documents for the collection, hauling, and disposal of municipal solid waste, trash and bulky items, and recyclables, at a rate of \$150 per hour, with the total fee not to exceed \$2,500.

THEREFORE BE IT RESOLVED, that a professional services contract is hereby awarded to Neill & Strong, PLLC for providing the above services, and that the Supervisor is hereby authorized to sign their December 3, 2004 proposal letter/agreement in this regard. Funding for these services is to be from Account No. A1440.440.

Moved: Cavalcoli

Seconded: Kesner

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

Councilman Cavalcoli comments that the Town started work on this several months ago when

they received recommendations from the Who Does What in Hamburg to look into a Townwide refuse collection. This would be bid out throughout the entire Town to bring down the cost to residents. Based on what they have found in other municipalities, they may be able to reduce the cost of garbage pick-up to homeowners by at least 50%. In order to determine whether this really will be a savings and what is involved, they need to begin pursuing actual specifications, what goes into a bid and what to look for. It has been the recommendation of the Board to look into this and once they get enough information they will be holding some public education meetings and they will be getting input from various groups within the Town. This will start after the first of the year. They would hope that within a year they will be putting into place a townwide garbage collection system. If all the numbers are true and the information is correct, it will be a wonderful savings for every resident in comparison to what they are paying now. Mr. Neill has done this for other municipalities and has already completed a lot of the research.

Bob Reynolds, 4301 Rushford, are they looking at making this mandatory for all residents and adding this to their tax bill. Councilman Cavalcoli comments that they are looking into making it a townwide item on the tax bill. This would be one of the cheapest options, but they need to explore this. There is another option which would be a single preferred vendor in which you select one company and every resident would contract with them on their own. Looking at that initially it seems that option would be more costly than a townwide system. Bob questions if they would have a committee to set this up. Councilman Cavalcoli responds that the reason they are pursuing this is that it would require the establishment of a refuse or garbage district which would require a decision by the Town Board and it would be subject to a permissive referendum.

But, long before it got to a public hearing they will go to the taxpayers groups and hold a series of meetings in the early months to let people know what they are looking at and what the probable cost would be. Bob comments that he would like to serve on the committee. Councilman Cavalcoli comments that they will ask the Chamber of Commerce for help on this as well.

Joe Kilian, United Council, comments that his understanding is that you would save \$50.00. Councilman Cavalcoli comments that the numbers they are seeing is the average homeowner in the Town pays approximately \$200.00 per year, Blasdell is at \$106.00 and Orchard Park is around \$103.00, so they could be looking at a 50% savings. They are looking at all the different options, such as the number of bins, are there different rates for senior citizens, and do they include commercial. It is premature to announce any specifics at this point, but they should be looking at a substantial savings.

Councilwoman Hochul comments that they are looking into this to save money and if it doesn't save money they won't do it. It's that simple.

XI.

RESOLVED, that the Town Board approve the membership of the following into the Scranton Volunteer Fire Company, Inc.:

Duane R. Rybarczyk
5196 Scranton Road
Hamburg, N.Y. 14075

Moved: Kesner

Seconded: Quatroche

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

XII.

WHEREAS, statistics show there is a need for a State Veterans Cemetery in Western New York,

WHEREAS, a State Veterans Cemetery must be located on property owned by the State of New York,

WHEREAS, the State of New York owns property in the Town of Alabama known as the John A. White Memorial Game Farm whose principle use was discontinued approximately five years ago and is ideally situated to serve the needs of the entire Western New York region,

WHEREAS, the Town Board of the Town of Alabama unanimously passed a resolution on October 11, 2004 requesting establishment of a State Veterans Cemetery at the above location,

THEREFORE BE IT RESOLVED, we fully support the creation of a State Veterans Cemetery in the Town of Alabama, and

BE IT FURTHER RESOLVED, we encourage the New York State Legislature and the Governor of New York to enact and sign such Legislation needed to establish and fund said Cemetery.

Moved: Hoak

Seconded: Unanimous

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

Supervisor Hoak comments that there are some old time cemeteries from the Civil War and World War I cemeteries in the Gowanda area that are pretty overrun and there is no room for expansion. There is a need for Veterans Cemeteries and the Town of Alabama has come forward and is looking for support throughout the Western New York region. It is located between Buffalo and Rochester and they thought it would be centrally located to accommodate veterans from both Rochester and Buffalo. He asks that a copy be forwarded to the Town of Alabama.

XIII.

BE IT RESOLVED that the Town Board of the Town of Hamburg direct that there be a public referendum in the Scranton Volunteer Fire District to determine whether the Scranton Volunteer Fire Company amend their current Service Award Program.

a. The type of service award program shall be defined benefit program as described in Section 217, 219e and 219-m

b. The Referendum of qualified voters of the Scranton Volunteer Fire Company, in the Town of Hamburg, County of Erie, State of New York, (herein called "District") shall be held at the Fire Hall in said district on January 12, 2005 at 12:00 p.m. the polls shall remain open until 9:00 p.m. or as much longer as may be necessary to enable the voters then present to cast their votes upon the proposition to establish a service program.

c. The vote upon the proposition to be submitted to the qualified voters shall be by machine ballot and the Fire District Secretary is hereby authorized and directed to have the necessary ballots prepared for use in voting.

d. The Town Clerk is hereby authorized and directed to give notice of said Referendum by causing a notice in substantially the form set forth in this section not less than thirteen (13) days nor more than twenty (20) days prior to the date of such election in the Front Page and the Sun, having a general circulation within the District, two newspapers published in the Town of Hamburg, New York, and hereby designated as the official newspapers of the Town for such publication. Said notice of the Referendum shall be in substantially the following form:

PROPOSITION

The Defined Benefit Program established by the Length of Service Award Program as approved by the voters of the Scranton Fire Protection District, County of Erie, State of New York, shall be amended to provide that Firefighters who have reached the entitlement age and are collecting benefits from the Service Award Program shall be eligible to earn additional credits in the Program by continued participation in the activities of the Fire Company as set forth in the Plan Document for a maximum period of 10 years. The cost to establish this change will not require additional funding.

Moved: Hoak

Seconded: Kesner

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

XIV.
RESOLVED, that the Town Board approve the Audit of Cash Disbursements as follows:

VOUCHER #'S

OPERATING FUND:

BATCH #152	\$700,000.00	918782
BATCH #153	\$ 12,243.13	918783 - 918867
BATCH #154	\$136,365.41	UNPROCESSED

TOTAL OPERATING FUND DISBURSEMENTS: \$ 848,608.54

TRUST & AGENCY:

TOTAL TRUST & AGENCY: \$ 0.00

CAPITAL FUND DISBURSEMENTS:

BATCH #90	\$450,000.00	
BATCH #91	\$ 33,140.73	UNPROCESSED

TOTAL CAPITAL FUND DISBURSEMENTS: \$ 483,140.73

TOTAL PAYROLL DISBURSEMENTS: \$ 0.00

TOTAL PETTY CASH DISBURSEMENTS: \$ 0.00

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$1,331,749.27

Moved: Hoak Seconded: Cavalcoli
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

Correspondence

Letter 115 - Supervisor Hoak comments that this is a thank you to two of our Detectives for their outstanding work in dealing with Frontier Central Schools and a copy of this should be placed into the personnel files of Detective Glen Zawierucha and Detective Tom Best.

Late Correspondence

116A - To Shirley Spaulding and her staff at the Senior Day Care Program thanking them for everything they did for the Braunscheidel family. Supervisor Hoak asks that a copy is placed in her personnel file.

116B - To Mr. Al Taylor, Regional Director NYS DOT, from Assemblyman Richard Smith submitting a petition with 113 signatures from residents on Buckingham and Nottingham Terrace asking for a traffic signal on Southwestern Boulevard (Route 20).

Reports from Town Board Members and Department Heads

Councilman Cavalcoli comments that his first item was covered by resolution which was the townwide garbage collection. He then thanks the staff from the Senior Adult Day care, this group under the interest of Shirley Spaulding and Nancy Crowley are sponsoring two needy families and they have raised close to \$1,000 along with assistance from Tops to provide gift certificates for food. This is outstanding that these employees, who work on a daily basis helping our elderly, reach out even beyond that to help families in need.

Councilwoman Kesner reports that the Fire Chiefs Association has chosen two of their members to receive Firefighters awards. For the month of November they have chosen Jeff Smith from Armor Volunteer Fire Company and for December they chose Joseph Scires of Newton Abbott Fire Company and they would like to publically thank them for their services. Scranton Volunteer Fire Company is holding a referendum so that firefighters, after 65 years of age, can continue to receive credits in the service award program as long as they remain active members for an additional 10 years. She thanks the Supervisor for sponsoring that resolution this evening.

Councilwoman Hochul reports that some time ago the Town Board passed a resolution seeking the reduction in the speed limit for the Lake View section of Route 5 because of the number of serious accidents along there and residents requests. The State DOT said that they have conducted a preliminary study, but cannot make a final determination until the safety analysis of the study is complete which is in April of 2005. Their request from a couple of years ago was turned down and there have been more petitions, more requests and more accidents. So they are taking another look at it. She then reports on the number of tickets that are issued on Lake Shore Road. The report she received from the Chief states that in the month of November alone there were 491 tickets issued. She commends the Police Officers for their aggressive work in keeping the speed down. Only about 1/4 of the tickets were issued to Town residents, in the past it was upwards of 50%. At least the word is out for Hamburg residents to slow down on Route 5. On Route 20 there were 201 summons issued and about 1/4 were issued to Town residents. She thanks the Chief and his Department.

Councilman Quatroche commends Councilman Cavalcoli and the Board for their action in looking into the garbage program. This is the first step that this Board will be taking over the next year to cut costs for their taxpayers. They dealt with the harsh reality through the budget process with high pension costs and health care costs. They cut a lot in this last budget and they are looking at ways to increase revenues and to cut costs. The budget process for next year will start in January and they are already looking at ways to keep taxes down in Hamburg. He wants to commend the Board for taking this step and next year they are really going to be taking an aggressive approach and asking the Department Heads to take an out of the box thinking, creative approach to how they do business. Secondly, he wants to report that within the next weeks or a month they will have an answer on Foit's.

Supervisor Hoak thanks everyone who participated in the Pearl Harbor Celebration. He thanks everyone who shows up on a monthly basis to participate in the Board meetings. It is good to have public input, give and take.

Business From the Floor

no public comment.

XV.

RESOLVED, that the Town Board adjourn to Executive Session at 7:35 p.m.

Moved: Hoak

Seconded: Cavalcoli

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

Catherine Rybczynski, Town Clerk

Correspondence - December 13, 2004

111 - To Supervisor Hoak from the Town Clerk's Office, the Monthly Report for November 2004 with receipts totaling \$53,878.81.

112 - To Catherine Rybczynski, Town Clerk, from Brian Gould, Erie County Water Authority, notifying the Town of fire hydrants that will be taken out of service.

113 - To the Town Board from Guy Hinkson, Supervisor - Town of Alabama, stating that his Town passed a resolution to consider establishing a New York State Veterans Cemetery on state owned property in his Town. This site is centrally located between Rochester and Buffalo and he is asking for support on this.

114 - To Catherine Rybczynski, Town Clerk, from Matthew Baudo, Erie County Water Authority, enclosing an Extract of Minutes amending their Tariff effective January 1, 2005. A copy of the amendments are available in the Town Clerks Office.

115 - To Chief of Detectives Dan Shea from Dr. Elizabeth Bradley, Interim Superintendent - Frontier Central School, thanking him for the strong cooperation from the Police Department working with the school community to keep the students safe. In particular commending Detective Glen Zawierucha and Detective Tom Best for their outstanding work in dealing with the issue of heroin use, possession and sale. The knowledge and expertise of these detectives as well as their understanding of our teenage population, makes them a valuable asset to our school district.

116 - To Town Clerks of Boston, Hamburg and Orchard Park from County of Erie Department of Environment & Planning stating that three Eden Agricultural Districts were created in April 1973 and reaffirmed every 8 years. A review is required by New York State Agricultural District Law and some of the districts extend into the Towns of Boston, Hamburg and Orchard Park.

Late Correspondence

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116B - To Mr. Al Taylor, Regional Director NYS DOT, from Assemblyman Richard Smith submitting a petition with 113 signatures from residents on Buckingham and Nottingham Terrace asking for a traffic signal on Southwestern Boulevard (Route 20).